

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SEYED MOHSEN HOSSEINI-SEDEHY,)
Plaintiff,)
v.)
ERIN T. WITHTINGTON) Civil Action No. 04-cv-11948-RGS
and CITY OF BOSTON,)
Defendants.)

SEYED MOHSEN HOSSEINI-SEDEHY'S TRIAL MEMORANDUM

Plaintiff Seyed Mohsen Hosseini-Sedehy and submits the following trial memorandum:

1. Stipulations

The parties cannot agree to stipulated or admitted facts.

2. Prospective Witnesses

- a.) Seyed Mohsen Hosseini-Sedehy - Jacksonville, NC;
- b.) Steven Casterline – Scituate, MA;
- c.) Joseph Bavis – South Boston, MA ;
- d.) Joseph Perry – Scituate, Boston, MA;
- e.) Erin Withington –Boston Police Department;
- f.) Joseph Eisenstadt – Suffolk District Attorney’s Office;
- g.) David Deakin - Suffolk District Attorney’s Office;
- h.) Keeper of Records of the Suffolk County District Attorney’s Office; and,
- i.) Keeper of Records of Smith & Duggan LLP.

3. Depositions and Interrogatories as Exhibits

The parties do not anticipate such exhibits.

4. Joint Exhibit List

The Defendant objects to all of the Plaintiff's proposed exhibits.

5. List of Unagreed Exhibits

- A. Boston Incident Report, dated 3/22/04, 10:50 A.M.;
- B. Application for Complaint, dated 3/22/04;
- C. Warrant, dated 3/22/04;
- D. Boston Incident Report, dated 3/22/04, 1:17 P.M.;
- E. Boston Police Sexual Assault Unit Follow Up Invest. Report, dated 10/7/04;
- F. Sexual Assault Unit – Case Update, by Detective Erin Schroeder;
- G. Sexual Assault Unit – Case Update 2, by Detective Erin Schroeder;
- H. Sexual Assault Unit – Case Update 3, by Detective Erin Schroeder;
- I. Sexual Assault Unit – Case Update 4, by Detective Erin Schroeder; and,
- J. Smith & Duggan LLP records.

6. Motions in Limine

The Plaintiff has filed a Motion in Limine to Exclude Reference to Defendant's Family History as Police Officers;

7. Issues of Disputed Law

The Plaintiff expects that hearsay objections to be at issue. Specifically, the Defendant will object to prior statements by a party opponent as hearsay, cf. Fed. R. Evid. 803(d)(2), and business records as hearsay. Fed. R. Evid. 803 (6) and 803(10).

8. Estimated Length of Trial

The Plaintiff expects that he will need 2 ½ days to present his case.

9. Proposed Voir Dire and Joint Statement of Facts for Jury

The Plaintiff has filed proposed questions for the jury and the parties have filed a joint statement of facts for the jury.

Respectfully submitted,
Seyed Mohsen Hosseini-Sedehy
By his attorneys,

/s/ Gerard A. Butler, Jr.
Christopher A. Duggan
BBO # 544150
Gerard A. Butler, Jr.
BBO # 557176
Smith & Duggan LLP
Lincoln North
55 Old Bedford Road
Lincoln, MA 01773-1125
(617) 228-4400

Date: February 6, 2007

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on February 6, 2007.